

Construction and Maintenance of Right-Of-Way

Fence

UDOT 08A-10

Effective: March 28, 1969

Revised: August 3, 1998

Purpose

To ensure the proper construction and maintenance of right-of-way fence.

Policy

(1) Fully Controlled Access Highways:

All fully controlled access highways (i.e. Freeways) shall be continuously fenced unless it can be definitely established that a fence is not necessary, such as in areas of precipitous slopes, other natural barriers or sound walls placed adjacent to the right-of-way line. All fencing installed on this type of roadway shall be owned and maintained by the Utah Department of Transportation (UDOT).

Within UDOT recognized urban areas of the State, both large and small, all fencing shall be 1.8 m (6.0 ft) chain link.

In other areas of development within the State, the type of fencing used shall be the lowest cost of the types shown on Standard Drawing 720-1A, 720-1B or 720-03 that will fulfill the following purposes:

- (a) Prevent animals from entering upon the highway right-of-way.
- (b) Keep children and pedestrians off the highway.
- (c) Prevent vehicles from entering or leaving the right-of-way at unauthorized locations. Lowest cost shall be computed considering the cost of installation, future maintenance, and the likelihood of future changes in the use of the adjacent property.

Generally, in rural areas of the State, Type A or Type B, metal post fencing shall be used. Preferably, Type B, when it is necessary to control domestic animals. In wildlife areas, one of the special fence types (i.e. deer, deer barrier, tortoise) shall be used as requested by or with the concurrence (Note 1) of the Utah Division of Wildlife Resources (UDWR). Such type of fencing shall be provided unless the adjacent landowner objects in writing and can prove that the fencing type proposed will not provide a satisfactory barrier for the property in question.

Also, within the rural area of the State, cattle guards are to be provided at all freeway access points; either on the cross roads or entrance ramps, as necessary to meet the requirements of the particular locations. Painted cattle guards shall not be substituted for actual cattle guards without the written authorization of the Deputy Director of UDOT.

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All fencing installed on fully controlled access highways shall be placed within the highway right-of-way, one foot from the right-of-way line and shall be maintained by UDOT, with the following exceptions:

- (a) Frontage Roads: Since it is the general policy of UDOT to transfer ownership and maintenance of frontage roads to the local governmental agency after completion of the freeway, the fencing on the private property side of the frontage road shall be placed and maintained in accordance with the policy of the local agency.
- (b) Stock Drives: Where stock drives are constructed adjacent to highways for protection of the traveling public, the fences on both sides of the drive will be maintained by UDOT. Where constructed for the convenience of the property owner, the fence not adjacent to the freeway shall be maintained by the owner and shall be placed on the right-of-way line.

(2) Partially Controlled Access Highways

In the recognized urban areas or other developed areas of the State, where vehicular access points are close and pedestrian access to adjacent walkways is not a factor, a 1.2 m (4.0 ft) chain link fence, ornamental fencing or curbing without a fence can be used to control vehicular access on highways with this type of access control. Where pedestrian control is desired or necessary, such as adjacent to or near schools, parks, or other areas with of high pedestrian traffic, a 1.8 m (6.0 ft) chain link fence should be used.

In rural areas, partially controlled access highways shall be fenced except where natural barriers or type of terrain will prohibit animal and/or vehicular access. Generally, Type B right-of way fence, as shown on Standard Drawings 720-1A or 720-1B is to be used, unless one of the others types shown on these drawings is requested by the adjacent property owner. Special purpose wildlife fencing is to be placed when requested or concurred with by the UDWR and no objection is raised by the adjacent property owner.

A minimum 6.1 m (20.0 ft) wide gate shall be provided at all authorized property access points. The property owner shall be responsible for the proper operation of the gate. A cattle guard may be substituted for the gate when requested in writing by the adjacent property owner and that owner is willing to pay any additional costs for such installation over that of a gate.

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All fencing installed on partially controlled access highway shall be owned and maintained by the UDOT, with the fence placed one foot inside the right-of-way line. An exception to this rule can be made when the adjacent property owner specifically requests ownership of the fence and agrees to full responsibility for maintenance of the fencing. In this case, the fence shall be placed directly on the highway right-of-way line.

For this type of access control highway, fence ownership and maintenance responsibilities shall be designated in the individual right-of-way agreement and shown on the as-constructed plans.

Should fencing that is the maintenance responsibility of the property owner be damaged by an errant vehicle that has left the pavement of a State Highway, such damage shall be repaired and the damaging party billed for such repair work by UDOT.

(3) Uncontrolled Access Highways

Fencing will not be provided on new construction through or adjacent to unfenced public or private property, except under at least one of the following terms:

- (a) The adjacent property owner will participate in 50% (Note 2) of the construction costs of the fence and appropriate UDOT funds are available and the owner agrees to maintain the fence.
- (b) UDOT determines that fencing is essential to the safety of the traveling public.

Where additional right of way is required for construction or improvement of uncontrolled access highways, stock trails, frontage or side roads, through an area previously fenced, or developed property, a fence of the standard drawing type designated on the right-of-way contract shall be provided with the following exceptions:

- (a) If there is an existing ornamental or similar type fence on a property that is to be disturbed, the same type of fence, as closely as possible, shall be provided on the new construction, if requested by the owner.
- (b) If the additional right-of-way is adjacent or in close proximity to a school, park, or playground, a 1.8 m (6.0ft.) chain link fence can be provided for protection of children in the area.

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- (c) At the request or concurrence of the UDWR, one of the special wildlife fence types may be provided, subject to the approval of the adjacent property owner. All such special fencing provided in this type of case shall be maintained by the UDWR.

All fencing provided on uncontrolled access highways, except special fencing, shall become the property of the adjacent landowner and maintained by that owner. Gates of a minimum 6.1 m (20.0 ft) width shall be provided at existing or agreed upon opening locations when fencing is provided. Gate operation shall be the responsibility of the adjacent property owner.

Fences that are to be maintained by someone other than UDOT shall be placed directly on the right-of-way line. If for some reason, UDOT agrees to maintenance of fencing in uncontrolled access areas, such fencing shall be placed one foot inside the right-of-way line. On local governmental agency projects, the fencing shall be placed in accordance with the policy of the local authority.

Should in place fencing, regardless of specific ownership, be damaged by an errant vehicle that had been traveling on a State Highway, such damage shall be repaired and the appropriate party billed for the cost of the repair by UDOT.

(4) Fencing Replacement:

The condition of the right-of-way fencing on each section of State highway should be specifically noted in the report of the annual Regional or District Director's inspection of the roadways in their administrative area. These reports should then be examined at the time of any scoping or conceptual meeting for all Federal-aid, State, or State Maintenance rehabilitation or maintenance projects. Should the reports indicate that the fencing had reached a state of deterioration where it can no longer be adequately maintained, complete replacement of the fencing should be considered as part of the project. Upon approval of including fence replacement in the project, changes in this fencing policy, urban boundaries, or use of the adjacent properties should be considered when deciding what type of fence shall be provided in the project.

(5) Variance of Policy:

Any departure from this policy shall have the approval of the Deputy Director.

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Notes

- 1: UDWR shall review and concur in the requests or recommendations of other federal, state, local, or private agencies for special fencing before it is installed.
- 2: 50% participation will either consist of the landowner paying ½ the cost of the contract bid item for the type of fence to be installed, or by UDOT furnishing all materials necessary for construction of the agreed upon fence type and delivering these materials to the nearest UDOT maintenance shed. From there the landowner shall be responsible to pick up and install the fencing on the appropriate right-of-way line. Should the landowner desire to use materials other than that shown in the Standard Drawings, he may be allowed to do so, but only at his own expense and responsibility.